

EXHIBIT 22

1 KEKER & VAN NEST LLP
ROBERT A. VAN NEST - # 84065
2 rvannest@kvn.com
BRIAN L. FERRALL - # 160847
3 bferrall@kvn.com
DAVID J. SILBERT - # 173128
4 dsilbert@kvn.com
MICHAEL S. KWUN - # 198945
5 mkwun@kvn.com
6 633 Battery Street
San Francisco, CA 94111-1809
Telephone: 415 391 5400
7 Facsimile: 415 397 7188

8 Attorneys for Defendant ARISTA NETWORKS, INC.

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE

12 CISCO SYSTEMS, INC.,

13 Plaintiff,

14 v.

15 ARISTA NETWORKS, INC.,

16 Defendant.

Case No. 5:14-cv-05344-BLF (PSG)

**DEFENDANT ARISTA NETWORKS,
INC.'S SECOND SET OF
INTERROGATORIES (NOS. 16-17)**

Date Filed: December 5, 2014

Trial Date: Not set.

Pursuant to Federal Rules of Civil Procedure 26 and 33, Defendant Arista Networks, Inc. (“Arista”) requests that Plaintiff Cisco Systems, Inc. (“Cisco”) answer in writing and under oath the following Interrogatories within thirty days of service hereof.

DEFINITIONS AND INSTRUCTIONS

The following Interrogatories are to be read, interpreted, and answered with reference to the following definitions and instructions.

DEFINITIONS

1. “Cisco,” “you,” and “your” means Cisco Systems, Inc., including all agencies, divisions, instrumentalities, establishments, and branches thereof; all of its agents, employees, directors, officers, predecessors in interest, successors in interest, parents and subsidiaries; and anyone acting on their behalf.

2. “Arista” refers to Defendant Arista Networks, Inc., including all agencies, divisions, instrumentalities, establishments, and branches thereof; all of its agents, employees, directors, officers, predecessors in interest, successors in interest, parents and subsidiaries; and anyone acting on their behalf.

3. “CLI Command” means any word or combination of words that is used or recognized as a command in a command line interface.

4. “Network Management Product” means any product used to monitor, configure, or otherwise manage network devices and/or their associated firmware and software, including without limitation Your CiscoWorks Networks Compliance Monitor product and all device drivers that it supports (or has ever supported), the Tail-f Network Control System (NCS) and all network element drivers (NEDs) that it supports (or has ever supported), and the Cisco Network Service Orchestrator (NSO) enabled by Tail-f, and all NEDs that it supports (or has ever supported).

5. “Asserted Patents” refers to U.S. Patent No. 7,047,526 (“the ‘526 patent”) and U.S. Patent No. 7,953,886 (“the ‘886 patent”).

6. “Asserted Claim” means any claim of the Asserted Patents.

1 7. “Document” is defined to be synonymous in meaning and equal in scope to the
2 usage of the term “documents or electronically stored information” in Federal Rule of Civil
3 Procedure 34(a)(1)(A). A draft or non-identical copy is a separate document within the meaning
4 of this term. Any comment or notation appearing on any document, and not a part of the original
5 text, is to be considered a separate “document.”

6 8. “Person” is defined as any natural person or any legal entity, including, without
7 limitation, any business or governmental entity or association.

8 9. “Communication” means the transmittal of information (in the form of facts, ideas,
9 inquiries or otherwise).

10 10. When used with respect to a natural person, “identify” means that you are required
11 to provide the following information: name; last known business address; last known residence
12 address; last known telephone number; names of the employers or businesses with whom the
13 person is or was associated; and the person’s title, position, and duties at the time relevant to the
14 identification.

15 11. When used with respect to a person that is not a natural person, “identify” means
16 that you are required to provide, to the extent applicable, the same information required as if the
17 entity were a natural person, and to state the nature of the entity (e.g., partnership, corporation,
18 etc.).

19 12. When used with respect to a document, “identify” means that you are required to
20 provide, to the extent applicable, the (i) type of document; (ii) date of the document; (iii)
21 author(s), addressee(s) and recipient(s); and (iv) any Bates number assigned to the document in
22 this action.

23 13. “Relating to” means relating to, referring to, concerning, mentioning, reflecting,
24 pertaining to, evidencing, involving, describing, discussing, commenting on, embodying,
25 responding to, supporting, contradicting, or constituting (in whole or in part), as the context
26 makes appropriate.

27 14. “All,” “any,” and “each” shall each be construed as encompassing any and all.
28

1 15. The connectives “and” and “or” shall be construed either disjunctively or
2 conjunctively as necessary to bring within the scope of the discovery request all responses that
3 might otherwise be construed to be outside of its scope.

4 16. All pronouns shall be construed to refer to the masculine, feminine, or neuter
5 gender, in singular or plural, as in each case makes the request more inclusive.

6 17. The use of the singular form of any word includes the plural and vice versa.

7 **INSTRUCTIONS**

8 The following instructions shall apply to each of the Interrogatories herein:

9 1. In answering the following Interrogatories, furnish all available information,
10 including information in your possession, custody, or control. If you cannot fully respond to the
11 following Interrogatories after exercising due diligence to secure the information requested
12 thereby, so state, and specify the portion of each Interrogatory that cannot be responded to fully
13 and completely. In the latter event, state what efforts were made to obtain the requested
14 information and the facts relied upon that support the contention that the Interrogatory cannot be
15 answered fully and completely; and state what knowledge, information or belief Cisco has
16 concerning the unanswered portion of any such Interrogatories.

17 2. If any information requested is claimed to be privileged or otherwise immune from
18 discovery, please provide all information falling within the scope of the Interrogatory which is not
19 privileged, and for each item of information contained in a document to which a claim of
20 privilege is made, identify such document with sufficient particularity for purposes of a motion to
21 compel, such identification to include at least the following:

22 (a) For documents: (i) the type of document, e.g., letter or memorandum; (ii) the
23 general subject matter of the document; (iii) the date of the document; and (iv) the author of the
24 document, the addressees of the document, and any other recipients, and, where not apparent, the
25 relationship of the author, addressees, and recipients to each other;

26 (b) For oral communications: (i) the name of the person making the communication
27 and the names of persons present while the communications was made and, where not apparent,
28 the relationship of the persons present to the person making the communications; (ii) the date and

1 place of communications; and (iii) the general subject matter of the communications.

2 3. Cisco's obligation to respond to these Interrogatories is continuing and its
3 responses are to be supplemented to include subsequently acquired information in accordance
4 with the requirements of Rule 26(e) of the Federal Rules of Civil Procedure.

5 INTERROGATORIES

6 **INTERROGATORY NO. 16:**

7 For each CLI Command listed in Cisco's Second Amended Complaint (including
8 exhibits) and each command hierarchy listed in Cisco's Second Amended Complaint (including
9 exhibits), and each command mode and prompt listed in Cisco's Second Amended Complaint
10 (including exhibits), identify: (i) the author or originator of such Command, command hierarchy,
11 command mode and prompt, (ii) the date of such authorship or creation, (iii) the document(s) in
12 which such Command, command hierarchy, command mode or prompt was first fixed in any
13 tangible medium of expression, (iv) the document(s) in which such Command, command
14 hierarchy, command mode or prompt was first published, and (v) the first Cisco product
15 (including version number) that used or responded to each CLI Command, command hierarchy,
16 command mode or prompt.

17 **INTERROGATORY NO. 17:**

18 Identify each and every document in your possession relating to any non-Cisco CLI,
19 including the custodian of each document and how Cisco came to be in possession of each
20 document.

21 Dated: July 24, 2015

22 KEKER & VAN NEST LLP

23 By: 

24 ROBERT A. VAN NEST
25 BRIAN L. FERRALL
26 DAVID J. SILBERT
27 MICHAEL S. KWUN

28 Attorneys for Defendant ARISTA
NETWORKS, INC.

PROOF OF SERVICE

I am employed in the City and County of San Francisco, State of California in the office of a member of the bar of this court at whose direction the following service was made. I am over the age of eighteen years and not a party to the within action. My business address is Keker & Van Nest LLP, 633 Battery Street, San Francisco, CA 94111-1809.

On July 24, 2015, I served the following document(s):

DEFENDANT ARISTA NETWORKS, INC.'S SECOND SET OF INTERROGATORIES (NOS. 16-17)

☒ by **E-MAIL VIA PDF FILE**, by transmitting on this date via e-mail a true and correct copy scanned into an electronic file in Adobe "pdf" format. The transmission was reported as complete and without error.

Sean Sang-Chul Pak
John M. Neukom
Quinn Emanuel Urquhart & Sullivan LLP
50 California Street, Floor 22
San Francisco, CA 94111
Tel: (415) 875-6320
Fax: (415) 875-6700
seanpak@quinnemanuel.com
johnneukom@quinnemanuel.com
Cisco-Arista@quinnemanuel.com

Adam R. Alper
Kirkland & Ellis LLP
555 California Street
San Francisco, CA 94104
Tel: (415) 439-1476
Fax: (415) 439-1500
aalper@kirkland.com

Kathleen Marie Sullivan
Quinn Emanuel Urquhart & Sullivan LLP
51 Madison Avenue, 22nd Floor
New York, NY 10022
Tel: (212) 0 849-7000
kathleensullivan@quinnemanuel.com

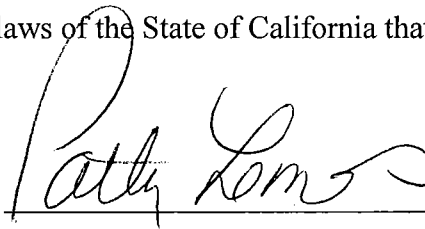
Mark Yeh-Kai Tung
Quinn Emanuel Urquhart & Sullivan LLP
555 Twin Dolphin Drive, 5th floor
Redwood Shores, CA 94065
Tel: (650) 801-5000
marktung@quinnemanuel.com

Michael W. De Vries
Kirkland & Ellis LLP
333 South Hope Street, 29th floor
Los Angeles, CA 90071
Tel: (213) 680-8590
Fax: (213) 680-8500
michael.devries@kirkland.com
Cisco-AristaCopyrightTeam@kirkland.com

Steven C. Cherny
Kirkland & Ellis LLP
601 Lexington Avenue
New York, NY 10022
Tel: (212) 446-4800
Fax: (212) 446-6460
Steven.cherny@kirkland.com

1 Executed on July 24, 2015, at San Francisco, California.

2 I declare under penalty of perjury under the laws of the State of California that the above is true
3 and correct.

4 
5 _____
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28